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ABSTRACT

Charter-school legislation is part of a larger movement that symbolizes the push for decentralization of public schools, grounded in the belief that local control leads to teacher professionalism and thus improved student outcomes. This paper examines enacted charter-school legislation from across the United States, analyzing the similarities and differences and highlighting references to teacher empowerment. The preliminary findings of a charter-school case study are used to critique the assumption that local control and deregulation lead to teacher professionalism and improved student outcomes. The case study of a charter school was conducted in a large, urban school district in California. Interviews were conducted with legislators and legislative analysts, state Department of Education staff, district administrators and school board members, teachers' union officers, the principal, teachers, and parents. Preliminary findings suggest that decentralization can contribute to teacher professionalism; however, this may vary according to the school culture and context. Furthermore, there is no indication that giving teachers more freedom will automatically translate into improved student outcomes. Another question is whether the benefits of increased teacher empowerment and professionalism that may result from local control outweigh the potential costs of decentralization. Possible risks of the charter legislation include the loss of democratic control over public schools and a reversal of previous gains in the area of civil rights. It is recommended that legislators and policy makers carefully evaluate the intent and potential outcomes of charter-school legislation before enacting it. The appendix contains information on charter-school legislation in eight states. (LMI)

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Charter Schools: Teacher Professionalism and Decentralization

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Charter Schools: Teacher Professionalism and Decentralization

Charter school legislation is part of a larger movement that symbolizes the push for decentralization of public schools, grounded in the belief that local control leads to teacher professionalism and thus improved student outcomes. Designed to encourage innovation, charter school legislation provides schools with increased flexibility, autonomy, and exemption from rules and regulations generally governing public schools. At this point, few researchers have looked critically at the issues raised by charter school legislation. We have begun to explore these issues in order to predict how this reform will take shape.

Charter school legislation is touted as a tool to improve student learning; however, a closer analysis of the various bills and a case study of a charter school in a large urban school district suggest that the policy is aimed more at decentralization and teacher professionalism, with little guarantee that this will lead to improved student outcomes. While deregulating schools may in fact give teachers more control over their lives, research suggests that there is more to teacher professionalism and empowerment than just autonomy. Furthermore, even if decentralization via charter schools does empower teachers, there are potential costs to the decentralization, such as the absence of public accountability, a reintroduction of inequities, and a lack of efficiency. Charter schools, like so many restructuring efforts, appears to be a more adult-centered, as opposed to a student-centered reform effort.

In this paper, we examine enacted charter school legislation from across the country, analyzing the similarities and differences and highlighting references to teacher empowerment. In addition, using the preliminary

findings from a case study of a charter school we discuss and critique the assumption that local control and deregulation lead to teacher professionalism and improved student outcomes. In conclusion, proposals for policy makers and suggestions for further research are given in light of this new legislation.[1]

Charter Legislation in Eight States

Since 1991, eight states, California, Colorado, Georgia, Massachusetts, Michigan, Minnesota, New Mexico, and Wisconsin, have passed some form of charter school legislation, and another nine or so have considered similar proposals (See Appendix A). Some of the charter school acts are stand alone provisions, while others, like Massachusetts' legislation, are part of broader education reform programs, and are seen as part of a series of options for schools and districts trying to improve the quality of education and in Massachusetts' case, racial balance in schools. The size of the charter school programs range from five in New Mexico to unlimited in Michigan, though most states have taken a pilot program approach to charter school legislation and limited the number of schools to somewhere between 10 and, in the largest participating state, California, 100.

The form which the proposals take varies, although a number of the acts borrow substantially from the earliest pieces of legislation, those of California and Minnesota. The variation between the acts show that there is no consensus on what constitutes a charter school, although there is a common underlying assumption that a charter school represents the exchange of local site autonomy for accountability for student outcomes.

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[1] The study of charter school legislation was funded by a grant from the UCLA Academic Senate.

Even the language used to describe these entities differs. Minnesota's legislation authorized "outcomes-based schools," while Michigan created public school academies. The autonomy granted to charter schools ranges from total exemption from all state and local school rules and regulations to the option to petition for waivers. The intent of these pieces of legislation varies from Colorado's statement that

> In authorizing charter schools, it is the intent of the general assembly to create a legitimate avenue for parents, teachers, and community members to take responsible risks and create new, innovative, and more flexible ways of educating all children within the public school system. The general assembly seeks to create an atmosphere in Colorado's public school systems where research and development in developing different learning opportunities is actively pursued.

to Michigan's omission entirely of a statement of intent. Moreover, despite the common assumption that charter schools inherently mean release from restrictive education codes in exchange for accountability for student outcomes, there are states like New Mexico who have narrowly defined autonomy or freedom by making schools apply for waivers from state law on a case by case basis. The laws also have differing equity protections. Some are quite prescriptive in preventing discrimination on any imaginable basis, including importantly on the basis of academic achievement or ability and physical or learning disability, while others broadly assert that the schools should operate fairly and equitably or not violate existing regulations regarding non-discrimination in schools. Finally, none specify what is meant by improved student outcomes, where that is a stated goal, nor do they offer any guidelines as to what is meant by innovation in education.

The process of initiating a charter school, including who can petition for one and who authorizes them differs considerably as well. The majority of the states have significant teacher involvement in the process, but in

Colorado any individual or group can create a charter so long as they demonstrate "adequate" (a term left undefined in the legislation) support from teachers, parents and students. Michigan specifies that community colleges and state universities may create or authorize charter schools, and theoretically there are no limits on who may apply to these groups for sponsorship. Other states limit charter schools to conversion of existing schools. In some states, charter schools, as in Massachusetts and New Mexico, the state secretary of education authorizes the charter schools and plays an active or solo role in oversight of the schools, while in others, like California and Colorado, the state has virtually no role beyond assigning a charter number and keeping track of the total number of charters granted.

Teacher Empowerment Issues in the Legislation

The variation in charter school legislation carries over to how they address teacher empowerment or authority in the schools. A number of the charter school laws include specific mention of their intent to empower teachers. Massachusetts's legislation states that charter schools are intended to "provide teachers with a vehicle for establishing schools with alternative, innovative methods of educational instruction and school structure and management," while in California, Minnesota and Colorado's legislation charter schools "create new professional opportunities for teachers" and the law from the latter two schools adds the "opportunity to be responsible for the learning program at the school site" The charter school legislation as passed in Georgia, and New Mexico are not specific on teacher issues, but approval of charter schools in the three states is contingent on faculty support of the proposal

In several of the states, teacher support is mandatory in order to create a charter school. Indeed, only in Michigan are teachers neither one of the major foci of the charter school legislation nor the determining group in the application for charter status. In that state, charter schools can be created by community colleges and state universities, and in these schools use of non-certificated teaching staff who are college or university faculty is permitted. In addition, many of the pieces of legislation are much more specific about teacher employment status and collective bargaining issues than on desired student outcomes. For example, Massachusetts and Colorado legislation spell out in great detail the relationship of teachers in the charter schools to the district within which they teach, as well as their collective bargaining and retirement system status. It appears that the concern of legislators was to appease teacher unions in guaranteeing the status of teachers.

All of the charter school laws are revenue neutral proposals, although New Mexico offers one-time-only planning grants to schools interested in converting to charter status. The assumption is that deregulating schools will be enough to improve learning opportunities, without investment of additional resources. However, as we discuss later, lack of resources has limited who is able to apply for charter schools in California, and there is no obvious reason why this would be different in any other state other than New Mexico.

Charter School Legislation in California

California's charter school legislation went into effect in January of 1993, making it the second state to enact this policy after Minnesota. The breadth of the initiative, even though designed as an experimental program, far outstripped that of its predecessor. California's legislation authorized up

to 100 charter schools statewide, with a limit of ten schools per district. The stated goals of California's charter school legislation includes improvement of student learning; an increase in the learning opportunities available for all students; encouragement of the use of innovative teaching methods; creation of new professional opportunities for teachers; the provision to parents of expanded choice within the public school system, without traditional bureaucratic constraints; and a means for holding schools accountable for meeting measurable student outcomes, in exchange for release from most restrictions of the education code.

Charter schools in California can be either new or converted public schools. The legislation requires that either over 50% of the teachers at a school sign the charter petition or that 10% of the teachers in a district sign the petition supporting establishment of a charter school. This provision makes it extremely difficult for teachers to establish a new school in the larger districts of the state, where obtaining signatures of 10% of the teachers district-wide is a formidable task. In the Los Angeles Unified School District, for instance, nine of the ten charter schools established were conversions of existing public schools, and the only new school is an offshoot of an existing site, which is in the process of trying to identify a site and funding to get underway.

Approval of charter schools and as well as oversight and liability lies with local boards of education. The state has no role beyond assigning charter numbers and making sure that all of the elements of a charter required by the legislation are in place. In California, teachers' unions were initially opposed to charter school legislation. Opposition was based on fear of loss of collective bargaining rights, and the use of non-certificated personnel in the classroom. They did not buy into the notion of teacher empowerment implicit in charter

school legislation because of focus on issues of protecting status and benefits. Few of the charter schools have challenged the authority of the state or local unions, or changed significantly the use of non-certificated personnel in schools. Indeed, the state funding formula for ADA requires the use of certificated teachers in classrooms, and since the state's charter legislation did not include provisions for funding schools beyond use of ADA formulas, the legislation's intent that schools be able to use non-certificated personnel was thwarted, until new funding mechanisms were worked out.

Case Study: Ocean Bluffs High School

In order to investigate the way in which charter legislation, a form of decentralization, contributes to the goals of teacher professionalization and improved student outcomes, we are conducting a case study of a charter school in California. We have interviewed California State Senator Gary K. Hart, the author of the legislation, Assembly member Delaine Eastin, several staff members from the California State Department of Education, legislative analysts for the state senate and the governor's office, state and local teachers union officers, school district administrators and school board members, a former state superintendent, and at the school site, the principal, teachers and parents. All interviews were recorded and transcribed; the data collected is reflected throughout this paper.

Ocean Bluffs High School is located in a large urban school district in California. It is situated in a largely residential, white, upper income neighborhood, but white flight and an aging population in the area has severely diminished the number of white neighborhood students attending the school. The majority of students now attending the high school are bussed in from locations around the city. The population of the school has

declined precipitously over the last decade, and the only factor slowing this trend prior to the awarding of charter status was the addition of the ninth grade to the school. At present the student body numbers about 1600, and the current racial balance is approximately 30% white and 70% mixed Latino, African American and Asian.

The school community decided as a whole to apply for charter status in early 1993, shortly after the legislation went into effect. Parents initiated the effort, with the support of the principal and lead teachers. Ocean Bluffs had been moving towards restructuring over the past several years. Three years prior, they became a School Based Management school, making their governance structure more inclusive of teachers and parents. The reasons the school chose to apply for charter status are multiple, but the primary factor driving the decision was the threat that the school would be closed due to declining enrollment. The school was not able to control how and which students were assigned from other parts of the city to attend the school, nor did they have any special programs attracting community students back into the school, although the honors program at the school is well regarded.

The school community felt that charter status would provide a number of benefits. In addition to allowing teachers the freedom to develop new curricula and instructional techniques, charter status would distinguish the school, making it attractive to students to both students who were now in private schools and those from surrounding districts. As a charter school, Ocean Bluffs could draw students without being limited by district boundaries of feeder patterns.

The parents from the community surrounding the school are for the most part affluent and efficacious. Not only were they the driving force behind the push for charter status, they had already organized a non-profit

organization to provide financial support to the schools in their community long before the charter school legislation had passed. They have easy access to school board members, one of whom participates regularly in area social events and was active in supporting the Ocean Bluffs application for charter status, and many of the parents consider themselves personal friends of the state senator who wrote the charter school legislation. Ocean Bluffs parents, teachers, and administrators have also established a coordinating council with feeder elementary and middle schools in order to articulate curriculum grades K through 12.

While Ocean Bluffs has charter school status, they chose not to be completely autonomous, as with many charter schools in the state and district. Although the school controls its own hiring and curriculum and is investigating options for gaining increased control over their budget, fiscal control and transportation are still provided by the district. In addition, teacher status has not been changed in terms of maintaining seniority in the district and benefits accrued through collective bargaining. One the reasons why Ocean Bluffs is retaining its ties with the district is because they are phasing in their charter over a number of years. At this point, they have a charter school of 200 ninth graders within the regular high school. Next year they will have 550 students in the charter school and plan to convert the entire school to charter status in the next few years.

Charter Legislation and Decentralization

A number of states are touting charter schools as a way to provide parents with expanded choice within the public school system. While some have suggested that the California bill was written to stave off the school voucher initiative, both the former state superintendent and Senate

Education Committee members argue that the rationale for the bill was not the political climate but rather that it was written within the context of a larger move to restructure schools and increase accountability. Charter schools are not a radically new idea, but rather an extreme on the continuum. When asked about the relationship between charter schools and school based management, one board member said, "We've just renamed it...it's kind of a change in logo. I mean it's just a continuation, an evolution of the same process..."

Some even view decentralization through charter schools as a compromise between the status quo and getting rid of public education all together. "What we're doing now in the way of opening the schools up are all attempts to get back to the basic idea of one teacher, a couple of children, an idea, and learning, I think we're all hungering for the same thing," said a representative from the California State Department of Education.

Charter school legislation is predicated upon a two tiered set of assumptions: one, that local control leads to teacher empowerment; and two, that teacher professionalism will translate into improved student achievement. In discussing the principles behind the charter school legislation, the author of the bill, Senator Gary Hart (D - Santa Barbara), says that the motivation was "to make our charter proposal as bold as possible in terms of deregulation, really...maximize the exemptions from state law...My bias is that schools tends to be quite bureaucratic, quite difficult to change, and to give people who want to try some different things to be able to do so." Hart also expressed his support for radical decentralization by saying that "until we have some evidence that this is a horrendous experiment, my bias would be at some point...there could be a significant expansion or maybe a total lifting, allow anyone to go charter."

A teacher at Ocean Bluffs made the connection between local control and curricular innovation on the part of teachers: "The notion that you're free from the bureaucracy is vital to innovation....otherwise I don't think it happens....I think it's the local people who have got to care, get motivated, and then that's where reform comes from." Others are concerned that "charter schools (legislation) have curriculum and accountability but lost a bit of the learning based, instructional component."

A school board member also advocated decentralization as the correct formula for education policy. "We will give you the resources and the flexibility and the discretion to make your own decisions. In exchange, you will be directly accountable for student outcomes." He also felt that the state education code "doesn't work because of the bureaucratic overkill...(and) because it robs too many schools of a sense of ownership." He linked local control to teacher empowerment and student achievement, believing that the motivation for becoming a charter school should be "from an instructional point of view, what are you gonna do for kids differently? If the answer's 'well we're gonna do nothing differently,' why are we doing it? I mean then just do what you're doing now." He agreed that the cap on the number of charter schools should be lifted and that any role for the state should be eliminated, suggesting instead: "empower local school districts to be the judge."

In contrast, a staff person from the state de-emphasized the importance of teacher empowerment in the relationship between decentralization and student outcomes: "Charter schools are designed for parents and students, and that "the empowerment of teachers is just an intermediary thing. Giving teachers more authority is under the assumption that they will work well - but that's not the end in itself. The end is student achievement."

History of school reform in relation to teacher professionalism

In order to understand the impact of charter school legislation on the lives of teachers it is important to contextualize it within the history of school reform over the past decade. The first wave of educational reform, which was spurred on by the publishing of "A Nation at Risk" in 1983, focused on a need for greater governmental regulation of schools through a standardization of the curriculum and increased requirements for testing. Decisions were made at the state and federal levels, reducing local control. For teachers this translated into the advent of the "teacher proof" curriculum packages and the "deskilling" of teachers through management pedagogy theory (Darling-Hammond, 1988; Giroux, 1988).

Policy makers soon realized that top-down implementation of standardized policies did not meet the diverse needs of students at the classroom level. In 1986, several reports were published by the Carnegie Foundation, Education Commission of the States, the National Governors Association, among others, that called for a change. The second wave of educational reform was characterized by a move towards decentralizing schools, bringing control to the local level, and professionalizing teaching. Reformers advocated greater regulation of teachers (in terms of certification, hiring, preparation) in exchange for the privilege of professional control over the practice of teaching (Darling-Hammond, 1988).

The theory behind this second wave of reform was that professional control would allow teachers to meet students' needs more effectively. Charter school legislation is predicated upon this same goal. Research suggests, however, that professionalizing teaching is more complicated and

part of a complex web of factors. In addition, there may in fact be some drawbacks to the decentralization provided for by charter status.

Arguments for Teacher Professionalism

Many researchers have argued the merits of teacher professionalism, however they differ in both the way in which they believe it can be best accomplished, and the way in which it is defined. Some believe that professionalizing teaching can be accomplished through local control. However, others suggest that in order for teachers to become empowered as professionals, they need time for critical reflection and collaboration, and they need to be a part of nurturing organizational environments with redefined leadership roles. Still, others believe that resources is the key to professionalizing teaching.

Doyle (1990) sees autonomy as the key to professionalizing teaching. He views bureaucracy as the greatest barrier to improving teaching. He states: "The purpose of bureaucracy is to institutionalize the suspension of judgment. Any teacher who has worked in a large school district can offer eloquent testimony to this point." He argues that if teaching is to be a profession, teachers should have maximum choice in where they teach, what they teach, and under what circumstances. Doyle's ideal school would be one which is managed by autonomous professionals. This signifies a move away from the union model of factory to that of guilded artisan, "who is a member of a voluntary, self-regulating association of independent and equal individuals who share a commitment to and mastery of specialized knowledge" (p. 114). Doyle expects success if teachers are in charge of their own destinies; they become stakeholders and collaborators.

Barth (1988) takes this argument one step further by saying that "leadership opportunities will bring out the best in teachers; and the very best from teachers will bring out the very best in their students" (p. 134). Barth concludes that shared leadership will lead to greater teacher commitment and ownership. By engaging in school leadership teachers can improve their work conditions, provide a constructive format for interaction, and transform the schools into contexts where adults learn as well as children.

Doyle and Barth both subscribe to a simple paradigm of teacher professionalism: give the control to the teachers and expect good things to happen. Several of the interviewees in our case study shared this definition of teacher professionalism. One school board member believes that the local control that results from charter status "can improve morale and give people a greater sense of empowerment and therefore responsibility. 'It's our problem to fix this school and we're going to do it. If it works, we get the credit. If it doesn't work, we get the blame,' rather than again pointing the finger at the district." A teacher at Ocean Bluffs defined teacher empowerment as coming from "having control over the things that affect you, like the curriculum, like the way money is spent. Running the school day to day, that's teacher empowerment." He also stated that in the atmosphere of the charter school "teachers can go out and get as much power as they want" and that "the notion that you have your destiny in your own hands" also contributes to professionalism. He applauded Hart for keeping the legislation "simple so that most of the creation could be at the local level."

Critical theorists add another dimension to the argument for teacher control, thus redefining professionalism. Giroux (1988) suggests that teachers need to critically reflect about how they teach and what they teach. In order for teachers to become intellectuals who raise serious questions, they must

take a "responsible role in shaping the purposes and conditions of schooling. Such a task is impossible within a division of labor in which teachers have little control over the ideological and economic conditions of their work" (p. 126). An officer from a state teachers union agrees that teacher empowerment "is the ability to be meaningfully involved in meaningful decisions of the educational process."

Fine's research (1991) reinforces evidence that when teachers have influence in their schools and feel valued, their teaching practices improve, and their expectations for students increase and as a result students feel that their teachers care about them. Only when teachers are empowered can they move toward creating empowering classroom communities for their students. Educators who have serious involvement in decision making, and who feel nurtured and respected are more likely to be effective in the classroom, creating democratic communities in which students have a voice. Unfortunately, urban educators, who work with students who are most in need, are most systematically denied a voice in policy decisions. Typically, today's comprehensive high schools are structures of "rationalized disempowerment," which are organized towards efficiency and control.

Research by a number of authors including Fine suggests that teacher autonomy alone is not the simply the key to professionalization of teaching. True teacher empowerment and improved student outcomes require a change in the *culture* of schools, not simply the structure of decision making (Darling Hammond, 1988). McNeil (1988) concludes that in order for schools to be places where students have access to knowledge about their world and are engaged in the learning process, we need not only educated and trained teachers, but also "organizational environments in which teachers do not have to teach against the reward structures and organizational priorities of

their school in order to overcome controlling policies which encourage, even reward, them to participate in their own deskilling" (p. 216).

By establishing a professional culture within schools, teaching will be more knowledgeable and responsive to students needs (Darling-Hammond, 1988). The culture of schools should move toward being collaborative and collegial as opposed to adversarial and isolated. New leadership roles and collaborative structures are necessary to professionalize teaching. (Lieberman, Saxl, Miles, 1988). Flinders (1988) argues for a need to move away from models of technical rationality to issues of how teachers can maintain an interconnectedness and sense of community. McLaughlin (1993) suggests that coping with the challenges posed by contemporary classrooms requires the building of a professional community by teachers. Important ingredients in this professional culture include an environment that allows for reflection on assumptions about practice, focuses on solutions based in classroom realities, and supports efforts for professional change and growth. Energetic professional communities should generate motivation to explore new solutions.

All of these ingredients require changing norms of practice and pedagogy, which takes time, reflection, and inquiry. Local control for teachers, as might result from charter school status, does not ensure that teachers would have time to reflect, nor that norms would change. Changing the structure does not necessarily change the culture of school that is firmly embedded.

Some of the interviewees in our case study also suggested that teacher professionalism and empowerment cannot be ensured simply by giving teachers autonomy. Rather, not only is teacher control important, but many other variables at a school site impact the extent of teacher professionalism.

A representative from the State Department of Education explained the necessity of an instructional leader: "What you need to do is have a cooperative attitude where you have a leader, the principal who is the educational leader for that school, and a group of teachers whom he respects and respect him, that's the ideal situation for learning. You have to have leadership. You have to have responsibility and control." A teacher's description of the principal of the Ocean Bluffs seems to fit the model of an instructional leader: "(He) has been very motivated by curriculum, wanting to innovate the curriculum.." In addition, the principal's description of his administrative style indicates that he is comfortable with shared decision making: "While there are schools that have been turned around with a more....autocratic approach, that's not my style so I'm not doing it that way."

The principal of Ocean Bluffs High School discussed his idea of teacher professionalism in a restructured school environment: "What does work in reform is where teachers collaborate and look at pedagogy in a whole different way...The restructuring I'm aiming for in this high school is not only to allow that to happen but also to promote and facilitate that institutionally, by taking away the old traditional structure..." The principal seems to recognize that reforming the school environment for teachers requires time for collaboration and inquiry about the curriculum and new leadership roles.

Teachers union officers discussed the fact that local control increases the burden on teachers because the added responsibilities and duties take time and the legislation provides no additional resources or compensation. An officer from a state teachers union cautioned that the local control for teachers that is intended by charter school legislation "includes not only the curricular issues but also the fiscal issues, and that's just part of running the business." He also reiterated that "reform takes a lot of time, and how you create that

time for people to both teach and have time to communicate the change that they will make is a major hurdle to overcome." While an officer from the local teachers' union felt that charter school legislation could make teachers feel empowered, he also warned that the additional responsibilities could diminish the time teachers had to prepare for their teaching duties.

Several teachers at Ocean Bluffs believe that the local control they have gained with charter status is an improvement over the status quo. However, they believe that significant change in their school will require greater resources. One teacher said: "I really think reform is always going to start with the teacher in the classroom, and...the only way that's going to be able to happen is if you have some bureaucratic changes." She expressed some skepticism that charter schools could really take away teachers' frustrations, however, because "it's not like there is really more money." One teacher agreed that while charter school legislation may allow them to re-configure class arrangements, it is not the panacea, given the fact that no extra resources come with it. Furthermore, she reiterated, "Until you get twenty kids in a classroom, nothing is going to happen. Ever."

Some older, more seasoned teachers did not believe that freedom from bureaucratic constraints was really going to lead to curricular innovation or change their lives at school. One teacher describes: "Our faculty is much more experienced and they're closed to going to workshops or finding out anything new because this is the third cycle of education they've seen." On the other hand, some veteran teachers "who have always taught this way, who have not heavily relied on the textbook and have always tried new and different things... are very excited. They see this as another way to do better teaching."

Teacher Professionalism at Ocean Bluffs High School

It appears that with charter school status teacher professionalism at Ocean Bluffs has come to mean more than simply control over decisionmaking. The school culture has become one that encourages innovation, inquiry and collaboration through a redefinition of norms surrounding teaching and learning. While the initial motivation in becoming a charter school was to increase enrollment at Ocean Bluffs, teachers suggested that becoming a charter school has enabled them to collaborate, feel more ownership, and move towards improving learning opportunities for students. One teacher says: "I've worked more collaboratively with a lot more people than I've ever worked with before." A parent who was involved with the process saw the biggest change of the charter school as that "we can articulate the curriculum in a way that you just can't if you don't talk with one another."

One teacher said: "I think the charter program sort of enabled us to start...to sort of branch out...the charter is going to provide us with a lot of new ways to teach science better or maybe just help our existing ways to be more effective." Interestingly enough, another teacher notes that

> Ninety percent of the curriculum innovation that we've done could have been done without the charter school. However it wouldn't have been done without the charter school. You know there is this notion that we're inventing something new....It's a really interesting psychological thing that if you think you have to go out and sell yourself to students, and I think a lot of the faculty saw this as a chance to do things differently and try new things.

Another teacher agreed, but seems to attribute more to the removal of bureaucratic constraints that came with charter status: "Basically the thing I liked about it is charter school allows me to teach the way I always thought

one should teach. I have wild and wacky cutting edge ideas...I want to try these things and charter school allows me to do that."

Teachers have found that professionalism has also translated into changes in their day to day lives: "It has made it more complicated, more work..." In addition, "there's a lot of brainstorming going on that we're being asked to participate in...these grants are being written by us, with a lot of help from (two parents)." Another teacher said, "Even though it's exhausting, it is greatly stimulating and satisfying, and it's certainly not boring...." "Teachers are working harder...we have to sell ourselves...we'd reached the bottom of the barrel, and it was either go out and create a future for ourselves or die."

In addition, teachers reported that "there is a lot more contact with the administration." The principal was vehement about the fact that teachers in the charter "always get (his) first attention, and because resources are limited in school district budgets...they have first call". Relationships have also changed with parents at Ocean Bluffs: "We're on the phone all the time....We have about 5 or 6 parents who pop by all the time, which is great. They give us all the support we need."

In conclusion, charter status appears to have lead to teacher innovation at Ocean Bluffs, but it is hard to pinpoint whether this is truly a result of the removal of bureaucratic constraints or whether it's a psychological benefit of feeling in control. Teachers and administrators do intend to create better learning environments, but whether this will lead to improved student outcomes remains to be seen.

The Dangers of Decentralization

Although our preliminary findings suggest that the decentralization provided via charter school status could lead to teacher professionalism and empowerment, there are some potential costs to the deregulation of public schools. Among these are the possibility of a reintroduction of inequities in access to educational programs for certain groups of students, and inefficiency in the delivery of services.

Justification for Bureaucratic Decisionmaking

Reforms to professionalize teaching must be viewed within the larger context of schooling. The history of educational reform has been a tug of war between decentralization and centralization. Several researchers have investigated the difficult tensions between control and autonomy. On the one hand, it appears that democratic control could be strongest at the local level. After all, large bureaucracies surely cannot function as deliberative communities in which all parties have a voice (Darling-Hammond, 1988; Strike, 1993; Tyack, 1992).

There are reasons why the state has rules and regulations; the educational system employs bureaucratic decision making in order to ensure that education serves the public welfare. In addition, bureaucratic structures are intended to foster uniformity and efficiency in the provision of educational services. This creates a system that at least *prescribes* equal treatment. Delaine Eastin, chair of the state assembly education committee, echoed this argument when we asked her whether charter school legislation signified that the state education code was no longer necessary. She answered: "You know why we have an education code? We have an ed code because we want to make sure that every child is taught certain basic elements of the

curriculum." An officer from a local teachers union added: "The vast majority of the rules in the ed code are there because someone got hurt somewhere...The ed code protects kids from being abused. The ed code protects employees from being abused by school boards."

A state teacher's union officer talked about the fact that people don't think about the many aspects of creating a charter school - "who writes the paycheck and who fixes the broken window, where do you send a kid you want out of your classroom for disciplinary reasons..." In addition, the president of the local school board expressed skepticism of the efficiency of schools operating as fiscally autonomous: "If we can barely operate with 1000 school districts, I don't think California can operate with 5000 school districts. It's just not efficient. It cuts resources."

Most regulations, in their origins, were reasonable solutions to apparent problems. For example, regulation has sought to correct inequities resulting from racial segregation or inadequacies in the educational programs for students with special needs. Deregulation could reintroduce social injustices (Tyack, 1992). A representative from a local teachers union expressed concern: "If you take the charter concept to it's logical extension, what you do is cut out of the educational process certain things. You can't run a program for students will exceptional needs, special education programs, when you've atomized every school district in the state....Where do those kids go?" In addition, if a charter school is at their capacity, who is going to pay to bus students to another school?

The California charter legislation has the potential of allowing for some significant inequities between schools and communities. Few protections are in the legislation to guarantee, for example, truly equal access for all students. The legislation prohibits discrimination on the basis of race

and ethnicity, gender or disability. However, it does allow for intellectual admissions criteria, e.g. on the basis of test scores or other measures of ability. The author of the legislation acknowledges this, stating that "you can't discriminate in some fundamental ways, although you can discriminate with our charter proposal in other ways. That is, for example, you can have a school based on academic merit, but you cannot discriminate on the basis of ethnicity."

There is an abundance of research showing the discriminatory effects of separating students on the basis of ability, as minority students are often segregated into lower achievement tracks, and commonly used measures of ability discriminate against them. The authors of this act shows no recognition of this potential. One state department staff member expressed concern over this, stating "if you come down to, for example, the ability to learn...or what their test scores are type of thing, that's, that's another type of de facto segregation..." A former state superintendent of education responded to the inclusion of admissions requirements by stating that "I have some problems with that. Hart meant if you want a specialized academy, I can see if you have a special math program...or art academy...but you have to look carefully at that. Public schools should take all comers basically, and they should have the same mix. They are not like insurance companies who try to skim the best clients."

A lawyer from a local advocacy group noted that, "unfortunately, the denial of access based on race and wealth are the only things that are constitutionally prohibited, but I think you can deny access based on what your learning ideas are, you values, things like that, but...what does that mean in the context of access to public school education?" Minnesota this year removed from its legislation the provision allowing charter schools to

have academic achievement or ability admissions requirements. This shows that they may be concerned about these same issues. However, most of the lawmakers and legislative analysts we interviewed in California were non-critical about the potential for admissions criteria to be discriminatory, for example, not realizing that the requirement that parents be involved in a school potentially excludes or places an unreasonable burden on low-income, working parents.

Public Accountability

Strike (1993) reminds us that public bureaucracies exist, at least in theory, to implement democratically achieved policy. State and local board policies allow citizens to have a voice in education decision making. Giving teachers the power to control their own work cannot be done without their claiming power over the ends of education. Professionalism therefore seeks to create institutions in which teachers have the power formerly exercised by the legislature or its agents, thus de-emphasizing democratic control.

Answering to this dilemma, Strike addresses how a democratic community can be maintained when you remove bureaucratic constraints and professionalize teaching. First, parents and students must be equal participants in the school community. Educators must accept the burden of justifying decisions to the community and decisions must become the property of the community as a whole. Most importantly, the boundaries of community need to be defined. It is not just the school personnel, parents, and students. It include the political community at large, tax payers who do not have children in school. This being the case, Strike concludes that there will always need to be a school board, or something that performs that role.

However, Strike reconceptualizes school boards as representatives of voices of the political community, instead of policy makers.

We asked about the role of school boards in our case study and found that some of the respondents were not concerned that accountability to the public would be lost with charter schools. One board member even argued that "we should eliminate the board altogether ultimately....Schools are where we ought to be looking to discuss education policy, not school boards." A district administrator felt that a charter school would have to "reflect the concerns of the community because they're going to go out of business very quickly, and because parents will soon catch on to the idea that they really don't have to send their children there..." In contrast, a local teachers' union officer was concerned that "the charter system does not take into account public accountability" and that at some point "there would have to be an amendment of the law."

Charter school legislation leaves open the possibility of the aforementioned pitfalls of professionalization and decentralization, including inequities for students and a loss of democratic control. This is compounded by the fact that there is no monitoring system built into the legislation. A staff member of the State Department of Education described the problem: "In other words, they are out there, they are doing it, but we don't know whether it's succeeding or failing. We don't know...how well it's happening...there's been no way of reviewing anything they do or improving it."

It appears that almost everyone we spoke with at the state level are willing to leaving the monitoring of charter schools to attorneys. Senator Hart seems relatively unconcerned that the state legislation has no recourse for parties who feel that the charter schools are violating anti-discrimination

laws or court orders. He commented that "It seems to me at the state level we're not in a position to anticipate all of those...this is meant to be a locally driven process. It's the responsibility of parties at the local level if those are issues that are outstanding to address them." A member of the governor's staff concurred, but admitted that "filing a law suit takes money." A state department of education employee shared the view that the state had nor role in enforcing equity provisions: "If...they start to do things like making it white flight and having a segregated school, it's a matter the courts will have to take and interpret based upon both federal and state law."

A lawyer for a civil rights advocacy group noted that as they try to monitor issues related to equity, they often come under fire, and have little support from community: "...we are the bad guys in this situation, we are holding up educational reform and we're perpetuating a situation that allows the district to be criticized." On the local level, school board members also look to advocacy groups to provide monitoring services, "I welcome the involvement and monitoring provided by MALDEF and NAACP and Legal Aid to raise the issues. They have very serious concerns about it and I've told them that they need to maintain their vigilance and their looking over our shoulders to make sure that we don't stray too far on the issue of equity." But a lawyer from one of the advocacy groups feels this burden is unfair and misplaced, noting that charter schools could take the position that they know that they are doing wrong, but wait for people to sue them. She states "So who monitors this in the district? Who is supposed to monitor this? Me?... Shouldn't have to be."

Conclusion

The preliminary findings of our case study suggest that decentralization can contribute to teacher professionalism; however, this may vary according to the school culture and context. Furthermore, there is no indication that giving teachers more freedom will automatically translate into improved student outcomes. A school district administrator expressed concern that charter school legislation could "take the same avenue as most reform elements. They really become adult paradigms of how adults are going to function and the component of how the students are going to succeed becomes secondary to how the adults deal with the world....Unless you have strong people who are really motivated for the interest of children...you wind up with an adult way in which...you might have a lot of happy adults but that doesn't necessarily translate into successful children." He added: "I don't know of any study that's come out that says we now have definite hard proof that local control has translated into better performance."

Another question is whether the benefits of increased teacher empowerment and professionalism that may result from local control outweigh the potential costs of decentralization. Possible risks of the charter legislation include the loss of democratic control over public schools and a reversal of previous gains in the area of civil rights. In order for charter schools to function democratically and still provide local control and opportunities for teacher empowerment, they would have to entertain Strike's recommendation for a school board which would represent the community at large.

While we believe there is cause for concern that decentralization may do more harm than good in public education, an officer from the state teachers union argued that political systems would never actually permit true

deregulation. "We're not going to do away with the concept of citizen control of the school systems to elected boards of education any more than we're going to let the military get out from under civilian control in this country. It's not going to happen...Deregulation is okay as long as it is kept in small little pockets." A district administrator agreed: "Eventually as you continue this breakup, you'll have so many breakups that you'll come back to a whole again...There won't be any voice...and that will eventually bring everyone back to the model that they currently have."

The popularity of charter schools is spreading rapidly, and legislators across the nation are jumping on the charter bandwagon. It seems that law makers have accepted the premise that charter schools will improve student learning and educational outcomes without a critical examination of the potential pitfalls and drawbacks of the legislation. In California, several bills have been introduced at the state level that raise the limit on the number of charter schools statewide to 2000 or even an unlimited number.[2] Other states have thrown caution to the wind by not restricting the number of charter schools. We are continuing to critically examine the progress of charter schools, and urge other researchers to do the same. In addition, we recommend that legislators and policy makers evaluate carefully the intent and potential outcomes of charter school legislation before blindly enacting such legislation,.

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[2]However, at this point there are only fifty charter schools in California, and only one district has reached the ten school per district limit.

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APPENDIX A

State/ Year Passed	Who Can apply	Approval process	Who accountable	How many allowed, for how long	Equity provisions	Who attends	Revenue & Transportation	Degree of Autonomy
Michigan 1993	school district board, intermediate school board, community college, public university can create, others can apply to these for charters	school district board, intermediate school board, community college, public university all can grant charters	authorizing body	no limit specified for number of schools or how long can operate	must not discriminate on basis intellectual, athletic ability disability, achievement, any other basis which would be illegal if used by district	Open to all pupils in geographic area	schools receive state funding through sponsor	broad, minimal requirements use of non-certificated teachers permitted--if sponsored by a college or university, use of faculty ok
Minnesota 1991	teachers, 90% of teachers at school must sign petition to convert existing school, *conversion of private schools permitted*	school board sponsors state board of ed gives final approval	Managed by board of directors elected by teachers and parents with teacher majority	20 allowed (as of 1993 amendments) for 3 year renewable periods	must be non-sectarian, may not limit on basis of intellectual ability, achievement or athletic ability	school should reflect racial, ethnic diversity of area in which located, lottery system for enrollment	funds to school on basis average per pupil expenditure in state	Board of directors determines operation of school, curriculum, budget
New Mexico 1993	At least 65% of teachers in an existing public school school must sign petition to convert the school	State board authorizes, the application goes through the local school board which may attach a recommendation	not specified	5 allowed for 5 year renewable periods	no provision	Existing school population	Planning grant available for 10 schools to design charter school, funding for schools depends on budget within the charter application	School may request waiver of certain provisions of public school code, for class size and for structure flexibility, and for curriculum and budget changes
Wisconsin 1993	school board or teachers can create new or convert public schools, allows for "private" charter schools, which are separate from district but operate under contract to district	school board approves, state superintendent issues charter on first come, first served basis	local school boards	10 statewide, up to two per district, for up to 5 year renewable periods	extensive protections, includes prohibition of discrimination on basis of physica or learning disability	preference to pupils in attendance area, racial balance must reflect that of school district population	Funding is determined in charter, not to exceed average per pupil funding statewide	Freedom from all state education laws except outcomes assessments

State/ Year Passed	Who Can apply	Approval process	Who accountable	How many allowed, for how long	Equity provisions	Who attends	Revenue & Transportation	Degree of Autonomy
California 1992	At least half the teachers in a school or 10 % of the teachers in a district must sign charter proposal	Local School Board approves; state assigns charter number. Appeals in case of denial go to County Board of Education	Local Board of Education unless approved by County	100 statewide and no more than 10 per district, for up to 5 years, renewable (proposals to lift both caps currently being considered)	nonsectarian, cannot discriminate basis race, disability, but can have admissions requirements like ability, achievement	Open to students statewide, preference for those in traditional attendance area, must reflect district racial balance	Funding based on state ADA provisions, goes through district, no provision for transportation	Complete freedom from education codes except safety and health provisions
Colorado 1993	Any individual or group can create a charter school so long as there is "adequate" support from parents, teachers and pupil	Local Board of Education approves, state department of education assigns charter	Local board of education	50 maximum, at least 12 designed to increase educational opportunities of at-risk pupils, for up to 5 years renewable	extensive, include non-discrimination on basis of need for special ed	not specified	transportation provisions must be described in the charter, at least 80% of its per pupil funding comes through the district	Free from specified school district policies and state regulations as requested and approved in charter; is not automatic
Georgia 1993	Public school can be converted to charter if 2/3 of the instructional staff and 2/3 parents present at meeting to initiate approve	Local board of education approves and state assigns charter, criteria to be determined	Local board of education, schools are not autonomous from district	no limit on number of schools, approved for 3 year renewable periods	only statement about operating fairly and equitably	current school population	Amound of funding to be negotiated in charter	Exempts from state and local rules, regulations, policies and procedures
Massachusetts 1993	Business, 2 or more certified teachers, 10 or more parents, can be partnered with college/university or museum	Charter schools fall directly under supervision of state secretary of education	State secretary of Education, and the school is managed by a board of trustees	25 statewide, with no more than 2 per town or city, and up to 5 in the largest cities, for 5 year renewable periods	extensive prohibition against discrimination, but allows for "reasonable academic standards"	preference for enrollment to residents of town or city, if more applicants than space, lottery used	Funding based on average cost per student in district within which school located, transportation must be provided same as other schools	Totally independent from district, Board of trustees and teachers determine curriculum, budget